

DETAILED ACTION

Claims 31,33-49,53,55,56,59,61-76,80,82 and 114-120 are pending in the application.

Response to Arguments

1. Applicant's arguments filed 2/19/10 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31,33-45,47,49,53,55,56,59,61-72,74,76,80,82,114,115 and 117-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matharu et al. (US2003/0021841A1) in view of Oshlack et al. (US 5,472,712) and in further view of Buhler et al. (US 6,592,900B1) and/or Morita et al. (*J. Controlled Release* **2000**, 63, 297-304) as stated in the office action mailed 10/19/09.

4. Claims 31,33-49,55,56,59,61-76,82 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matharu et al. (US2003/0021841A1) in view of Shah (US 4,892,742) and/or Oshlack et al. (US 5,472,712) and in further view of Morita et al. (*J. Controlled Release* **2000**, 63, 297-304) as stated in the office action mailed 10/19/09.

5. Applicant asserts that Matharu et al. teaches away from providing tablets having a granulated core and the secondary references do not make up for those deficiencies.

6. Matharu et al. teaches that the formulation of the disclosure is formed by a process other than wet granulation, the granulation process will be conducted without solvent or water which encompasses dry granulation. It is preferred for the process to be carried out under substantially anhydrous conditions (Matharu et al. p2, [0023]).
7. Therefore, at the time of the invention it would have been obvious to one ordinarily skilled in the art that the formulations of Matharu et al. comprise granulated cores which are prepared via the dry granulation technique.

Conclusion

8. No claims are allowed at this time.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA PERREIRA whose telephone number is (571)272-1354. The examiner can normally be reached on 9am-5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Hartley/
Supervisory Patent Examiner, Art Unit 1618

/Melissa Perreira/
Examiner, Art Unit 1618